

Part 4

Home-based Services

62A-5-401 Purpose.

The purpose of this part is to provide support to families in their role as primary caregivers for family members with disabilities.

Enacted by Chapter 207, 1991 General Session

62A-5-402 Scope of services -- Principles.

- (1)
 - (a) To enable a person with a disability and the person's family to select services and supports that best suit their needs and preferences, the division shall, within appropriations from the Legislature, provide services and supports under this part by giving direct financial assistance to the parent or guardian of a person with a disability who resides at home.
 - (b) The dollar value of direct financial assistance is determined by the division based on:
 - (i) appropriations from the Legislature; and
 - (ii) the needs of the person with a disability.
 - (c) In determining whether to provide direct financial assistance to the family, the division shall consider:
 - (i) the family's preference; and
 - (ii) the availability of approved providers in the area where the family resides.
 - (d) If the division provides direct financial assistance, the division:
 - (i) shall require the family to account for the use of that financial assistance; and
 - (ii) shall tell the person with a disability or the person's parent or guardian how long the direct financial assistance is intended to provide services and supports before additional direct financial assistance is issued.
 - (e) Except for eligibility determination services directly connected to the provision of direct financial assistance, service coordination is not provided under this part by the division unless the person with a disability or the person's parent or guardian uses the direct financial assistance to purchase such services.
- (2) The following principles shall be used as the basis for supporting families who care for family members with disabilities:
 - (a) all children, regardless of disability, should reside in a family-like environment;
 - (b) families should receive the support they need to care for their children at home;
 - (c) services should:
 - (i) focus on the person with a disability;
 - (ii) take into consideration the family of the person described in Subsection (2)(c)(i);
 - (iii) be sensitive to the unique needs, preferences, and strengths of individual families; and
 - (iv) complement and reinforce existing sources of help and support that are available to each family.

Amended by Chapter 61, 2005 General Session

62A-5-403 Services for persons under 11 years of age.

- (1) Except as provided in Subsection (2), after June 30, 1996, the division may not provide residential services to persons with disabilities who are under 11 years of age.

- (2) The prohibition of Subsection (1) does not include residential services that are provided:
- (a) for persons in the custody of the Division of Child and Family Services;
 - (b) under a plan for home-based services, including respite and temporary residential care or services provided by a professional parent under contract with the division; or
 - (c) after a written finding by the director that out-of-home residential placement is the most appropriate way to meet the needs of the person with disabilities and his family.

Amended by Chapter 179, 1996 General Session

Amended by Chapter 318, 1996 General Session